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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,379	02/18/2000	Mitch Chance	370778	9393

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EXAMINER

TRAN, THUY VAN

ART UNIT	PAPER NUMBER
3652	9

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/507,379</b>	Applicant(s) <b>Chance</b>
	Examiner <b>Thuy V. Tran</b>	Art Unit <b>3652</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on Jun 20, 2002.
  - 2a)  This action is FINAL.      2b)  This action is non-final.
  - 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4)  Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5)  Claim(s) \_\_\_\_\_ is/are allowed.
  - 6)  Claim(s) 1-16 is/are rejected.
  - 7)  Claim(s) \_\_\_\_\_ is/are objected to.
  - 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Feb 18, 2000 is/are a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-848)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “automatic shut off switch slidably mounted..” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “switch 114 may be slidably mounted within at least one of the four spaced-apart U-shaped column” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 8 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

On page 15, lines 17-21 of the specification, Applicant discloses that "When the ramps 22 and 24 are elevated to a desired vertical position, the shut off switch 114 is pre-positioned at a point within the column where it contacts a portion of the cross member end block 30 and is then secured into place. When the end block 30 contacts the shut off switch 114 during subsequent operation of the vehicle lift, the shut off switch 114 will be activated and the electric supply to the hydraulic pump 170 will be interrupted."

It is not understood what applicant meant by "switch 114 may be slidably mounted". In other words, does the switch slide along a track or groove when the spaced apart ramps are elevated to a desired vertical position as described in the specification?

Therefore, the disclosure is not sufficiently detailed to enable one of ordinary skill in the art to make or use the claimed invention without undue experimentation.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 8 and 16, respectively, recites “an automatic shut off switch slidably mounted within at least one of the four spaced-apart U-shaped columns, substantially adjacent the cable therein such that when during vertical movement, the end block of the cross member contacts the automatic shut off switch, the vertical movement stops” renders the claims indefinite because it is not clear whether the vertical movement of the “slidable switch” or the “end block of the cross member” stops when “the end block of the cross member contact the automatic shut off switch”.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin 2,139,597.

Martin '597 discloses a vehicle lift comprising a pair of spaced apart ramps 6, two cross members 4, each having two opposing end blocks 3 and a pulley attached to the end block, four U-shaped columns 2 each having an opening for receiving a respective end block, a hydraulic cylinder device 21, and a plurality of cables 9-11 each having one end substantially fixed in the center of a top cap of the column and the other to the hydraulic device.

The U-shaped column further comprises a plurality of spaced apart locking tabs 34.

Re claim 9, as broadly claimed, at least one cables 9-11 of Martin is maintained within the U-shaped columns 2 when the ramps are at lower position.

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***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-4, 8-11 and 16 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over French 2,576,298 A1 (FR '298) in view of either Thompson 2,216,058 or GB 2003116 A (GB '116).

FR '298 discloses a vehicle lift comprising a pair of spaced apart ramps 9 & 10, two cross members 6 & 7, each having two opposed end blocks, Fig. 2, at least one pulley attached to each end block, four U-shaped columns each having a base and a cross member receiver slot, a hydraulic cylinder, and a plurality of cables 12 each being fixed at one end substantially in the center of the top end of the column and the opposite end to the hydraulic cylinder, a lock mechanism (Fig. 2), an automatic safety switch 59, and at least one tire block removable mounted on at least one of the ramps (left end of ramps 5).

FR '298 does not explicitly disclose that each cable fixed at one end substantially in the center of the top cap of columns.

Each of Thompson '058 and GB '116 discloses a vehicle lift comprising a plurality of columns each having a cap at one end for attaching ropes/cables.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a cap for each of the cables of FR '298 vehicle lift system in order to replace cables quicker.

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11. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Baldwin et al. 4,724,875.

Martin '597 discloses all the claimed limitations except for having a drip tray removably mounted between the ramps.

Baldwin et al. '875 discloses a vehicle lift having a drip tray 74 removably mounted between a pair of spaced apart ramps.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed a drip tray for the vehicle lift of Martin reference as taught by Baldwin et al reference in order to provide more convenient for oil change services.

12. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '298 in view of either Thompson 2,216,058 or GB 2003116 A (GB '116) as applied to claims 2 and 9 above, and further in view of Baldwin et al. 4,724,875.

The modified vehicle lift of FR '298 discloses all the claimed limitations except for having a drip tray removably mounted between the ramps.

Baldwin et al. '875 discloses a vehicle lift having a drip tray 74 removably mounted between a pair of spaced apart ramps.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further employed a drip tray for the modified vehicle lift of FR '298 reference as taught by Baldwin et al reference in order to provide more convenient for oil change services.

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13. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Clarke 3,536,161.

Martin '597 discloses all the claimed limitations except for having a caster mounted adjacent the base of each of the four columns.

Clarke '161 discloses a vehicle lift having casters mounted adjacent four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed caster wheels for the vehicle lift of Martin '597 as taught by Clarke in order to provide mobility to the vehicle lift.

14. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '298 in view of either Thompson 2,216,058 or GB 2003116 A (GB '116) as applied to claims 2 and 9 above, and further in view of Clarke 3,536,161.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a caster mounted adjacent the base of each of the four columns.

Clarke '161 discloses a vehicle lift having casters mounted adjacent four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further employed caster wheels for the modified vehicle lift of FR '591 as taught by Clarke in order to provide mobility to the vehicle lift.

15. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Nussbaum 4,076,216.

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Martin discloses all the claimed limitations except for having a flexible cover mounted over the cross member receiver slot of the four columns.

Nussbaum '216 discloses a vehicle lift having a flexible cover mounted over the cross member receiver slot of the lift column to cover and protect the lifting mechanism against accumulation of dirt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized flexible covers for the vehicle lift of Martin reference in order to protect the inner columns against accumulation of dirt.

16. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '298 in view of either Thompson 2,216,058 or GB 2003116 A (GB '116) as applied to claims 2 and 9 above, and further in view of Nussbaum 4,076,216.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a flexible cover mounted over the cross member receiver slot of the four columns.

Nussbaum '216 discloses a vehicle lift having a flexible cover mounted over the cross member receiver slot of the lift column to cover and protect the lifting mechanism against accumulation of dirt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized flexible covers for the modified vehicle lift of FR '591 reference in order to protect the inner columns against accumulation of dirt.

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17. Claims 8 and 16 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,579 in view of Haumerson 2,624,546.

Martin discloses all the claimed limitations except for having an automatic shut off slidably mounted within at least one of the four columns.

Haumerson '546 discloses a vehicle lift having at least one upper automatic shut off switch 275 and one lower limit automatic shut off switch 285 slidably mounted within at least one of the four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an automatic shut off switch for the vehicle lift of Martin reference in order to prevent the ramps from being elevated beyond the desired height position.

#### *Response to Arguments*

18. Applicant's arguments filed June 20, 2002 have been fully considered but they are not persuasive.

Applicant argues that Martin reference does not disclose at least one pulley attached to each end block where the end block on the cross members are received in the receiver slots of each U-shaped column, and further, cross members 4 of Martin do not have end blocks. As broadly claimed, Figure 2 clearly shows at least one pulley attached to each end block.

Applicant argues that Martin does not show at least one cable is maintained within the column and is routed through the pulley of one of the at least two cross rail. As broadly claimed,

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at least of cables of Martin is maintained within the column (see right hand side of Figure 2) at least when the ramps are at lower position.

Applicant argues that Baldwin et al. '875 does not show a drip tray, but rather an oil pan. First, there is no structural differences between the two. Secondly, at some point the oil will drip into the pan. The teaching was stated in column 5, lines 1-12.

Applicant argues that Nussbaum does not disclose a flexible slotted dust cover. As broadly claimed, the strip 13 of Nussbaum is flexible and is used to protect against the accumulation of dirt.

Re claim 8 and 16, Applicant argues that Haumerson '546 does not disclose an automatic shutoff mechanism which is mounted within one of the four columns and which can be prepositioned to stop actuation of the lifting device at a predetermined height. Haumerson '546 clearly disclose such automatic shutoff mechanism (see Figures 2A, 3 and 9).

### *Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jauch et al. 1,985,732 shows a vehicle lift having drip pans for receiving liquid drained.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3000

TVT (TJT)

October 21, 2002